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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,231	09/07/2005	Karlheinz Mayer	2732-155	1640
6449 7590 09/18/2008 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER KIM, AHSHIK				
ART UNIT 2876		PAPER NUMBER		
NOTIFICATION DATE 09/18/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary

Application No.

10/522,231

Applicant(s)

MAYER ET AL.

Examiner

Ahshik Kim

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/10/08 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-32 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
37 CFR 1.114. Applicant's submission filed on June 10, 2008 has been entered.

Amendment

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2. Pursuant to filing of Continued Examination, the amendment filed on May 12, 2008 is
entered. Currently claims 1-32 remain in the examination.

Claim Objections

15 3. Claims 19 and 29 are objected to because of the following grounds.

Re claim 19, please insert "- means for deriving a statement about authenticity of the
security element on the basis of the differential image." after "- means for determining"

Re claim 29, in claim language use of pronoun such as "it", "they", etc is generally
discouraged to avoid any ambiguities to the extent possible. Claim 29 may be rephrased as
20 follows: "Apparatus according to claim 19, further comprising a display device for representing
the differential image."

Appropriate correction is required.

Allowable Subject Matter

4. Claims 1-32 are allowed. Objections on claims 19 and 29 must be resolved.

5. The following is a method and apparatus for testing authenticity of a security element on
5 the basis of liquid crystal material. The security element has a first marking and a second
marking as described in the independent claims - method claim 1 and apparatus claim 19. Such
method and apparatus are neither disclosed nor suggested by the cited references. Dependent
claims are also allowable.

10 6. This application is in condition for allowance except for the following formal matters as
described in paragraph 3 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte*
Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS**
15 from the mailing date of this letter.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The
20 examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru
Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this
25 Group is (571)273-8300.

5 *All Internet mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly*
set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
10 *Trademark on February 25, 1997 at 1195 OG 89.*

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Primary Examiner
Art Unit 2876
September 12, 2008